

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3301 OF 2006

Sakharam Mahadev Kadam ...Petitioner

V/s.

Vasant Shankar Kadam & Ors. ...
Respondents

Shri.P.N. Joshi for the Petitioner.
Shri.P.J. Pawar for Respondent Nos.1 to 8.

CORAM : V.M. KANADE, J.

DATED : 6th MARCH, 2007.

P.C. :-

1. Heard learned counsel for the Petitioner and learned counsel for the Respondents.

2. The Petitioner takes exception to the order passed by the Additional Commissioner, Nashik Division, Nashik, who by its order dated 10/11/2005 set aside entry made by Tahsildar in the Crop and Cultivation Column in favour of the Petitioner. It is contention of the Petitioner that by virtue of agreement executed in 1995, he was put in possession of property. Tahsildar after holding inquiry had rightly put his name in the Crop and Cultivation Column after verifying that

he was physically in possession of the property. This order was confirmed by the Additional Collector, Nashik in RTS Appeal No.181/1998. Additional Commissioner, however, set aside the said order.

3. I have perused the impugned order. Additional Commissioner has rightly observed that the agreement on which reliance has been placed by the petitioner herein was not produced. Only remedy for the petitioner was to file substantive suit in the Civil Court. I do not see any reason to interfere with the order passed by the Additional Commissioner while exercising writ jurisdiction under Article 227 of the Constitution of India.

. Writ petition is accordingly dismissed.

V.M. KANADE, J.